

§ 16.56.040 TEMPORARY USE STANDARDS.

A temporary use permit (see [§ 16.20.100](#), Temporary Use Permit) is required for temporary uses. Such permits are issued in accordance with the procedures established in [§ 16.20.100D](#), and the standards established in [§ 16.20.100E](#). The Zoning Enforcement Officer may issue a temporary use permit so long as the proposed use complies with the requirements of this section and is permitted in the zoning district. Events sponsored by public agencies do not require a temporary use permit. Private events conducted on public property or in public facilities do not require a temporary use permit provided the event has been approved by the agency that owns the property or facility.

Fairgrounds recognized under the Agricultural Fair Act ([30 ILCS 120/](#)) are exempt from obtaining temporary use permits so long as all temporary use permit standards are met. Additionally, said fairgrounds are exempt from limits on the number or duration of temporary use events.

Permit Types:

- A. [Temporary Agritourism Event](#)
- B. [Temporary Contractor's Office](#)
- C. [Temporary Emergency Residence](#)
- D. [Temporary Entertainment Events](#)
- E. [Temporary Farmers Market](#)
- F. [Temporary Fireworks Display](#)
- G. [Temporary Homeless/Domestic Violence Shelter](#)
- H. [Temporary Portable Asphalt/Concrete Batch Plant](#)
- I. [Temporary Real Estate Project Sales Office](#)
- J. [Temporary Sales Event](#)

A. Temporary Agritourism Event.

1. Except in the commercial, office, and industrial zoning districts, temporary agritourism events must be incidental to and directly supportive of a main agricultural use of the property and shall not negatively impact agricultural operations of neighboring properties.

2. All areas open to the public, including sales areas, seating areas, and activities and entertainment areas, must be located a minimum of fifty (50) feet from any lot line.

3. An off-street parking area is required. Such area does not need to be paved.

4. Temporary agritourism events are limited to four (4) events per calendar year, with a minimum of four (4) days between events, and a maximum duration of three (3) days per event. However, one of the four (4) events may have a sixty-day (60-day) permit duration on sites having agricultural operations with seasonal crop sales such as Christmas tree farms, pumpkin patches, apple orchards, and other U-pick operations.

5. All structures open to the public must meet applicable building code requirements, except:

a. The entire ground floor of any barn constructed before 1940 may be used for any agritourism purpose, as long as the use of the structure is approved by the applicable fire district.

b. Farmstands that meet the standards of [§ 16.56.030R](#). (Farmstand).

c. Agritourism gift shops that are limited to outdoor, temporary tents, purpose-built structures not more than one thousand (1,000) square feet in area and not more than seventeen (17) feet in

height, or agriculture exempt buildings. If an agritourism gift shop is operated in a structure originally built for agricultural purposes, the agritourism gift shop portion of the building may not exceed one thousand (1,000) square feet. The agritourism gift shop use shall be limited to the ground floor.

6. Farmstands and agritourism gift shops that do not meet the standards above are permitted, provided they meet applicable building code requirements.

7. Toilet and sanitary facilities must be provided in accordance with the McHenry County Public Health Ordinance and Illinois State Plumbing Code.

8. Food and beverage services must be provided in accordance with the McHenry County Public Health Ordinance.

B. Temporary Contractor's Office.

A temporary use permit may be issued for a contractor's temporary office and equipment shed incidental to a construction project. No sleeping or cooking accommodations are permitted. The permit is valid for a maximum of one (1) year, but may be renewed.

C. Temporary Emergency Residence.

In the event of a fire or natural disaster that results in the partial or total demolition of any residence making it unfit for human habitation, the Zoning Enforcement Officer may, upon application from the owner of such residence, issue a temporary use permit for the use of a recreational vehicle or mobile home for each family during rehabilitation of the original residence or construction of a new residence, subject to the following conditions:

1. The mobile home shall be placed on the lot of the damaged or destroyed home.
2. Water and sanitary facilities shall be provided in accordance with the Public Health Ordinance.
3. The permit is valid for a maximum of twelve (12) months, but in the event of circumstances beyond the control of the owner, the Zoning Enforcement Officer may extend the permit for a period or periods not to exceed sixty (60) days.
4. The trailer or mobile home shall be removed from the property following completion of the new or rehabilitated residence.
5. The applicant gives express consent and authorizes the County to remove the temporary shelter at the expense of the applicant upon termination of permit, if not removed during the specified time frame.

D. Temporary Entertainment Events.

1. A management plan is required as part of the temporary use permit application that demonstrates the following:
 - a. The on-site presence of a manager during the event.
 - b. General layout of performance areas, visitor facilities, such as seating areas and restrooms, and all ingress and egress points to the site.

- c. Provision for recycling and waste removal.
 - d. The days and hours of operation, including set-up and take-down times.
 - e. A description of crowd control and security measures with security personnel provided by an Illinois-licensed security contractor agency licensed by the State of Illinois Department of Financial and Professional Regulations to provide such security services, or by the Sheriff's Department.
2. Temporary entertainment events are limited to three (3) events per calendar year, with a minimum of four (4) days between events, and a maximum duration of three (3) days per event, in any district except for residential zoning districts, which are limited to one (1) event with a maximum duration of one (1) day.
3. Any permanent structures utilized during the event must meet all building code requirements for the proposed occupancy.
4. All sales areas, seating areas, activities, performance, and event areas, and parking areas must be located a minimum of fifty (50) feet from any lot line.
5. All speakers for public address system and amplified music must be located a minimum of fifty (50) feet from any lot line and directed towards the interior of the property.
6. The following temporary entertainment event activities are prohibited outside the hours specified:
- a. Outdoor motor sports: 9:00 a.m. to 10:00 p.m.
 - b. Outdoor amplified music or speech: Sunday through Thursday, 7:00 a.m. to 9:00 p.m.; Friday and Saturday, 7:00 a.m. to 11:00 p.m.
7. Camping is permitted as a part of a temporary entertainment event subject to the following additional standards:
- a. Camping is limited to a total of six (6) days per calendar year.
 - b. The location and name of each campsite, as well as a vehicular access route to each, must be shown on the site plan. Campsites must be set back at least one hundred (100) feet from lot lines and no closer than three hundred (300) feet to any residence on an adjoining property.
 - c. No campsite may be located farther than three hundred (300) feet from the nearest toilet facility.
 - d. If showers are made available to campers, the number of campers allowed under the temporary use permit will be limited by septic system capacity, as determined by the Health Department.
 - e. Campfire and bonfire locations must be shown on the site plan but will be allowed only if there is no objection by the fire department having jurisdiction.

E. Temporary Farmers Market.

1. Except in the commercial, office, and industrial zoning districts, temporary farmers market events must be incidental to and directly supportive of a main agricultural use of the property and shall not negatively impact agricultural operations of neighboring properties.

2. All areas open to the public, including sales areas, seating areas and, activities and entertainment areas, must be located a minimum of fifty (50) feet from any lot line.
3. An off-street parking area is required. Such area does not need to be paved.
4. Temporary Farmers Markets are limited to one (1) two-day (2-day) event per week during the period from April 1 to October 31.
5. All structures open to the public, except Farmstands that meet the standards of § 16.56.030R. (Farmstand), must meet applicable building code requirements. Farmstands that do not meet the standards of § 16.56.030R. (Farmstand) are permitted, provided they meet applicable building code requirements.
6. Toilet and sanitary facilities must be provided in accordance with the McHenry County Public Health Ordinance and Illinois State Plumbing Code.
7. Food and beverage services must be provided in accordance with the McHenry County Public Health Ordinance.

F. Temporary Fireworks Display.

1. A temporary use permit may be issued for either a consumer fireworks display or a pyrotechnic display or service in accordance with the Fireworks Use Act (425 ILCS 35/), which further states that no permit is required for supervised public displays by county fair associations.
2. All temporary fireworks permits shall meet the following standards and conditions:
 - a. Application authorizes McHenry County and the local fire district permission to enter the property to perform an inspection prior to the date of the display, to ensure the display shall not be hazardous to property or endanger any persons.
 - b. After a permit has been granted, sales, possession, use, and distribution of consumer fireworks for display shall be lawful for that purpose only. No permit granted shall be transferable.
 - c. Applications must be approved by the local fire district chief, in accordance with Office of the State Fire Marshal standards.
3. Consumer fireworks displays shall meet the additional following standards and conditions:
 - a. The consumer fireworks operator must be at least 18 years of age and provide proof of training by the local fire district, in accordance with Office of the State Fire Marshal standards. He/she will be responsible for the safety, setup, and discharge of the consumer fireworks display.
4. Pyrotechnic displays or services shall meet the additional following standards and conditions:
 - a. The lead pyrotechnic operator must be at least 21 years of age and provide a copy of his/her lead pyrotechnic operator license, per the Fireworks Use Act and the Pyrotechnic Distribution and Operating License Act ([425 ILCS 35/](#) and [225 ILCS 227/](#)). He/she will be responsible for the safety, setup, and discharge of the pyrotechnic display or service.
 - b. Applications shall identify the licensed pyrotechnic distributor or licensed production company.
 - c. Applications shall identify the diameter of the largest mortar to be displayed, if applicable.

- d. A site plan shall be provided that identifies the area of pyrotechnic display or service, spectator distance, and emergency vehicle access.
- e. If indoors, the building shall have a sprinkler system and be of an appropriate commercial design.
- f. Provide proof of liability insurance in a sum not less than \$1,000,000, naming McHenry County as additionally insured.

G. *Temporary Homeless/Domestic Violence Shelter.*

- 1. A management plan is required as part of the temporary use permit application that demonstrates the following:
 - a. The on-site presence of a manager during hours of operation who shall direct the operations of all staff and volunteers.
 - b. An established set of operating rules addressing the governance of the facility including hours of operation, maintenance, and security requirements.
 - c. The days and hours of operation, including set-up and take-down times.
- 2. Facilities are permitted to operate a maximum of fifty-two (52) nights per calendar year.
- 3. All structures utilized as Temporary Homeless/Domestic Violence Shelters must meet all building code requirements for the proposed occupancy.

H. *Temporary Portable Asphalt/Concrete Batch Plant.*

A temporary use permit may be issued for portable asphalt/concrete batch plant for use in road construction and repair. The permit is valid for a maximum of twelve (12) months, but may be renewed for one (1) or more twelve-month (12-month) period(s).

- 1. A portable asphalt/concrete batch plant shall develop and implement a Spill Prevention Containment and Control Plan in order to protect surface and groundwater from contamination.

I. *Temporary Real Estate Project Sales Office.*

A temporary use permit may be issued for a temporary real estate office in any new subdivision approved by the County Board. No sleeping or cooking accommodations are permitted. The permit is valid for a maximum of one (1) year, but is renewable.

J. *Temporary Sales Event.*

- 1. A management plan is required as part of the temporary use permit application that demonstrates the following:
 - a. The on-site presence of a manager during hours of operation who shall direct the operations of all vendors participating in the event.
 - b. An established set of operating rules addressing the governance structure of the event, hours of operation, maintenance, and security requirements.

c. General layout of vendor stalls, visitor facilities, such as seating areas and restrooms, and all ingress and egress points to the site.

d. Provision for recycling and waste removal.

e. The days and hours of operation, including vendor set-up and take-down times.

2. Properties located in the commercial, office, or industrial zoning districts are limited to six (6) temporary sales events per calendar year with a maximum duration of seven (7) days per event. However, Christmas tree sales lots are permitted a single temporary use permit for a maximum duration of thirty-five (35) days per calendar year. Properties located in all other zoning districts are limited to six (6) temporary sales event per calendar year with a maximum duration of four (4) days per event.

3. Any permanent structures utilized during the event must meet all building code requirements for the proposed occupancy.

4. Camping is permitted as a part of a temporary sales event subject to the following additional standards:

a. Camping is limited to a total of six (6) days per calendar year.

b. The location and name of each campsite, as well as a vehicular access route to each, must be shown on the site plan. Campsites must be set back at least one hundred (100) feet from lot lines and no closer than three hundred (300) feet to any residence on an adjoining property.

c. No campsite may be located farther than three hundred (300) feet from the nearest toilet facility.

d. If showers are made available to campers, the number of campers allowed under the temporary use permit will be limited by septic system capacity, as determined by the Health Department.

e. Campfire and bonfire locations must be shown on the site plan but will be allowed only if there is no objection by the fire department having jurisdiction.

(Ord. O-201410-10-035, passed 10-14-2014; Ord. O-201601-ZBA-006, passed 1-19-2016; Ord. O-201603-ZBA-010, passed 3-17-2016, § 14.4; Ord. O-201803-ZBA-10-08, passed 3-19-2018; Ord. O-201808-10-033, passed 8-21-2018)